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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/065,811	11/21/2002	Stig-Erik Johannesson	07589.0063.PCUS00	7984
28694	7590	04/20/2006	EXAMINER	
NOVAK DRUCE & QUIGG, LLP			PHAM, MINH CHAU THI	
1300 EYE STREET NW			ART UNIT	
400 EAST TOWER			PAPER NUMBER	
WASHINGTON, DC 20005			1724	

DATE MAILED: 04/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/065,811

Applicant(s)

JOHANNESSON, STIG-ERIK

Examiner

Minh-Chau T. Pham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-11 is/are allowed.
- 6) ☒ Claim(s) 12 and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 12 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Gluys et al (5,509,949).

Gluys et al teach a device for ventilating a transmission case (col. 3, lines 48-50) comprising a passage connectable between a residual volume of air inside a transmission case and the atmosphere outside the transmission case (col. 4, lines 16-20, col. 5, lines 49-51), the passage comprising an expansion portion (26 in Fig. 4, col. 4, lines 16-19) that tapers to a neck opening (18 in Fig. 4, col. 4, lines 25-29) leading to atmospheric air that is to be drawn into the device (see arrow 40 & 50 in Fig. 4), wherein the expansion portion (26) being positioned downstream to the neck opening (18) and having a sufficient large area to cause suspended particles swept through the neck opening to fall out of suspension and be trapped therein (follow arrow direction in Fig. 4).

The recitation "a filterless device" has not been given patentable weight because it has been held that a preamble is denied the effect of a limitation where the claim is drawn to a structure and the portion of the claim following the preamble is a self-contained description of the structure not depending for completeness upon the introductory clause. Kropa v. Robie, 88 USPQ 478 (CCPA 1951).

Allowable Subject Matter

Claims 1-8 allowed.

The following is an examiner's statement of reasons for allowance: None of the prior arts discloses a device for the ventilation of a transmission case having a compressed air source connected to the passage between the inside of the transmission case and the first section.

Claims 9-11 allowed.

The following is an examiner's statement of reasons for allowance: None of the prior arts discloses a device for the ventilation of a transmission case having a compressed air source connected to the device and configured to backwash trapped particles from within the expansion portion.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Amendment

Applicant's arguments filed on February 6, 2006 have been fully considered but they are not persuasive.

Applicant argues that the cited prior art Colussi et al teaches "a liquid trap for compressed air that may also include a filter element for removal of solid particles" and "does not teach an apparatus for venting a transmission and preventing entry of particles from outside the transmission case". The Examiner now drops the Colussi et al reference and newly introduces Gluys et al (5,509,949). as the primary reference under the 102(b) rejections of claims 12 and 13.

Gluy et al teach a device for ventilating a transmission case (col. 3, lines 48-50) comprising a passage connectable between a residual volume of air inside a transmission case and the atmosphere outside the transmission case (col. 4, lines 16-20, col. 5, lines 49-51), the passage comprising an expansion portion (26 in Fig. 4, col. 4, lines 16-19) that tapers to a neck opening (18 in Fig. 4, col. 4, lines 25-29) leading to atmospheric air that is to be drawn into the device (see arrow 40 & 50 in Fig. 4), wherein the expansion portion (26) being positioned downstream to the neck opening (18) and having a sufficient large area to cause suspended particles swept through the neck opening to fall out of suspension and be trapped therein (follow arrow direction in Fig. 4).

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Claims 1-11 are allowed as indicated above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh-Chau T. Pham whose telephone number is (571) 272-1163. The examiner can normally be reached on Mon/Tues/Thur/Fri 7:00 am - 5:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Minh-Chau Pham

Patent Examiner

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April 18, 2006